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## UNITED STATES DISTRICT COURT

### FOR THE DISTRICT OF NEVADA

12 JOHN DONNELLY,

13 Plaintiff,  
 14

15 FINDLAY MANAGEMENT GROUP, a  
 Nevada Corporation; DOES I-X; ROE  
 16 BUSINESS ENTITIES I-X,

17 Defendants.

Case No.: 2:24-cv-00375-CDS-BNW

### **DEFENDANT'S REQUEST FOR EXCEPTION TO ATTENDANCE OF INSURANCE CARRIER AT EARLY NEUTRAL EVALUATION**

**HEARING DATE: May 29, 2024**  
**HEARING TIME: 9:30 AM**

18 Defendant Findlay Management Group (“Defendant”), by and through its undersigned  
 19 counsel, hereby respectfully submits this request to allow its insurance carrier representative to  
 20 attend the Early Neutral Evaluation (“ENE”) session scheduled for May 29, 2024 remotely.

21 Pursuant to the Court’s Order (ECF No. 14), where a party is subject to coverage by an  
 22 insurance carrier, a representative of the insurance carrier, with authority to settle the matter up to  
 23 the full amount of the claim, must personally attend the ENE, unless an exception is granted.

24 Bruce Green, Defendant’s Director of Business and Legal Affairs, will attend the ENE in  
 25 person. Mr. Green is familiar with the claims alleged by Plaintiff, and has authority on behalf of  
 26 Defendant to resolve the matter.

27 Defendant has an Employment Practices Liability policy through ASCOT. The retention  
 28 under the policy is substantial and has not yet been met, and may not ever be met in the ordinary

1 course of this single-plaintiff litigation. Ricardo Sanchez (“Mr. Sanchez”), ASCOT Claims  
 2 Specialist, has been assigned to monitor the claim. Defendant’s request that Mr. Sanchez be  
 3 allowed to appear telephonically, unless the Court prefer his participation via Zoom. His telephonic  
 4 participation will not inhibit or limit the parties’ ability to negotiate or reach a potential settlement.

5 If an exception to Defendant’s insurance carrier’s attendance requirement is granted, Mr.  
 6 Sanchez will be available as needed telephonically for the entirety of the ENE. However, based on  
 7 the allegations contained in Plaintiff’s Complaint, and for reasons that will be discussed in detail in  
 8 Defendant’s ENE statement, Defendant believes the insurance policy’s retention threshold far  
 9 exceeds the value of Plaintiff’s claims.

10 Defendant is confident in its ability to fully and in good faith participate in the ENE with  
 11 Mr. Sanchez available telephonically. Based on the foregoing, Defendant respectfully requests that  
 12 the Court’s attendance requirement for Defendant’s insurance carrier be waived, and that the Court  
 13 approve Defendant’s request to allow the claims representative to be available telephonically for  
 14 the May 29, 2024 ENE.

15 DATED this 18<sup>th</sup> day of April, 2024.

16 **OGLEETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**

17  
 18 /s/ Elody C. Tignor  
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27 *Attorneys for Defendant Findlay Management Group.*

28 **IT IS SO ORDERED.**

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 30   
 31 **U.S. MAGISTRATE JUDGE**

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 33 **Date: April 19, 2024**